

GARY F. FRANKE Co., L.P.A.

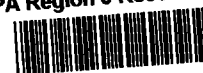
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October 3, 2001

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✓ Craig Melodia, Esq.
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In re: United States of America v. Aeronca, Inc., et al.
U.S. District Court Southern District of Ohio Western Division
Case No. C-1-01-439

Dear Counsel:

Enclosed please find a copy of the Crossclaim of Defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke Against Aeronca, Inc., John J. Whitton Trucking, Inc., Clarke Container, Inc. and Clarke Incinerators, Inc. and Answer of Clarke Services, Inc., Clarke,

October 3, 2001
All Counsel
Page 2

In re: United States of America v. Aeronca, Inc., et al.
U.S. District Court Southern District of Ohio Western Division
Case No. C-1-01-439

Inc. And Richard M. Clarke to Crossclaim of Defendant John J. Whitton Trucking, Inc.
which we have filed in the above-captioned matter.

Very truly yours,

GARY F. FRANKE CO., L.P.A.

A handwritten signature in cursive script that reads "Gary F. Franke". The signature is written in dark ink and is positioned above the printed name.

Gary F. Franke

GFF:pt
Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA)

Plaintiff)

v.)

AERONCA, INC. (f/k/a Aeronca
Manufacturing Corp. f/k/a Aeronca
Aircraft),)

CLARKE CONTAINER INC.,)

CLARKE'S INCINERATORS, INC.,)

JOHN J. WHITTON TRUCKING, INC.)

CLARKE'S SERVICES, INC.)

CLARKE, INC.)

RICHARD M. CLARKE)

Defendants)

601. 50 2001.
KENNETH J. MURPHY, Clerk
CINCINNATI, OHIO

CIVIL ACTION NO. C-1-01-439
JUDGE BECKWITH

**CROSSCLAIM OF DEFENDANTS, CLARKE SERVICES, INC.,
CLARKE, INC. AND RICHARD M. CLARKE AGAINST
AERONCA, INC., JOHN J. WHITTON TRUCKING, INC.,
CLARKE CONTAINER, INC. AND CLARKE INCINERATORS, INC.**

Now come defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke, by and through counsel, and for their Crossclaim against Defendants, Aeronca, Inc., John J. Whitton Trucking, Inc., Clarke Container, Inc. and Clarke Incinerators, Inc. state as follows:

1. Plaintiff has alleged that defendants, Aeronca, Inc., John J. Whitton Trucking, Inc., Clarke Container, Inc., Clarke Incinerators, Inc. ("crossclaim defendants"), are, along with Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke, jointly and severally liable

to plaintiff under 42 U.S.C. §9607 for response costs incurred by plaintiff at the Skinner Landfill Site.

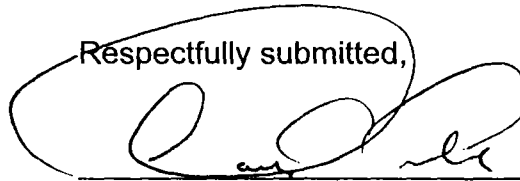
2. Defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke, specifically deny liability for the allegations set forth in plaintiff's Complaint and specifically deny liability for allegations set forth in crossclaims herein.

3. In the event that the Court finds that Clarke Services, Inc., Clarke, Inc. and/or Richard M. Clarke, and the crossclaim defendants are jointly and severally liable in this action, the Court, under 42 U.S.C. §9714(f)(1), is requested to allocate plaintiff's response costs among the liable defendants, and to enter judgment in favor of Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke and against such crossclaim defendants requiring such crossclaim defendants to contribute to Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke any sum that Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke is obligated to pay plaintiff that exceeds Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke's allocated share of such costs.

WHEREFORE, defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke request that, in the event judgment is entered in favor of plaintiff against Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke and other defendants in this action imposing joint and several liability for costs incurred by plaintiff, that the Court allocate the costs among the liable defendants, and render judgment on Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke's Crossclaim and against crossclaim defendants as requested above. Further, defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke

request that they be awarded costs and legal fees in defending the within matter and any and all other such relief, in law or equity, to which they are entitled herein.

Respectfully submitted,



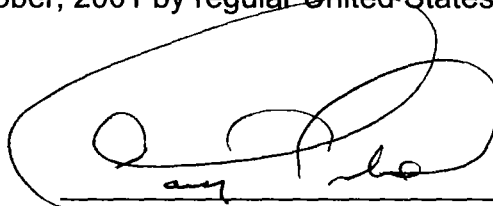
Gary F. Franke
GARY F. FRANKE CO., L.P.A.
Attorney for Defendant
120 East 4th Street - Suite 560
Cincinnati, Ohio 45202
(513) 564-9222

(#0029793)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Crossclaim of defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke against Aeronca, Inc., John J. Whitton Trucking, Inc., Clarke Container, Inc. and Clarke Incinerator, Inc. has been served upon all counsel of record, including David E. Northrop, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215-6194; Kevin J. Hopper, Southampton Square, 7434 Jager Court, Cincinnati, Ohio 45230; Jonathon Conte, Blank Rose Comisky & McCauley, L.L.P., 201 East Fifth Street - Suite 1700, Cincinnati, Ohio 45202; John C. Cruden, Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice; W. Benjamin Fisherow, Deputy Section Chief, Environment Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, Annette M. Lang, Trial Attorney, Environment Enforcement Section, Environment and Natural

Resources Division, U.S. Department of Justice, P. O. Box 7611 Ben Franklin Station,
Washington, DC 20044; Gerald F. Kaminski, 220 U.S.P.O. & Courthouse, 100 East 5th
Street, Cincinnati, Ohio 45202; and, Craig Melodia, 77 West Jackson Boulevard, Chicago,
Illinois 60604 this 3rd day of October, 2001 by regular United States Mail.

A handwritten signature in black ink, appearing to read "Gary F. Franke", is written over a horizontal line. The signature is stylized with large loops and a prominent "G" and "F".

Gary F. Franke
Attorney at Law

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

001 0 2001

UNITED STATES OF AMERICA)

Plaintiff)

v.)

AERONCA, INC. (f/k/a Aeronca)
Manufacturing Corp. f/k/a Aeronca)
Aircraft),)

CLARKE CONTAINER INC.,)
CLARKE'S INCINERATORS, INC.,)
JOHN J. WHITTON TRUCKING, INC.)
CLARKE'S SERVICES, INC.)
CLARKE, INC.)
RICHARD M. CLARKE)

Defendants)

KENNETH J. MURPHY, Clerk
CINCINNATI, OHIO

CIVIL ACTION NO. C-1-01-439
JUDGE BECKWITH

**ANSWER OF CLARKE SERVICES, INC.,
CLARKE, INC. AND RICHARD M. CLARKE TO CROSSCLAIM
OF DEFENDANT JOHN J. WHITTON TRUCKING, INC.**

Now come defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke,
by and through counsel, and for their Answer to the Crossclaim of Defendant, John J.
Whitton Trucking, Inc., state as follows:

FIRST DEFENSE

1. That the Crossclaim fails to state a claim upon which relief can be granted.

SECOND DEFENSE

2. The preceding defense is referred to and incorporated as if fully rewritten herein.

3. Paragraph 1 of the Crossclaim is admitted.

4. Paragraph 2 of the Crossclaim is denied for want of knowledge.

5. Paragraph 3 of the Crossclaim is denied.

6. Defendants deny each and every allegation of the Crossclaim not specifically admitted herein.

THIRD DEFENSE

7. The preceding defenses are referred to and incorporated as if fully rewritten herein.

8. The plaintiff and defendant, John J. Whitton Trucking, Inc. have failed to join defendants necessary to proper adjudication of this matter pursuant to Rule 19 of the applicable Rules of Civil Procedure.

FOURTH DEFENSE

9. The preceding defenses are referred to and incorporated as if fully rewritten herein.

10. The Crossclaim is barred by the applicable Statute of Limitations.

FIFTH DEFENSE

11. The preceding defenses are referred to and incorporated as if fully rewritten herein.

12. To the extent that these defendants are liable, the damages alleged herein as to these defendants are distinct and divisible. Therefore, these defendants cannot be found jointly and severally liable in this cause of action as to claims brought by plaintiff and/or crossclaim defendants.

SIXTH DEFENSE

13. The preceding defenses are referred to and incorporated as if fully rewritten herein.

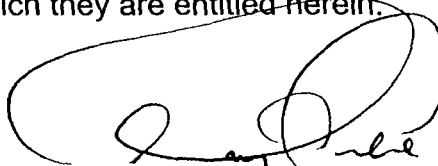
14. Holding these defendants jointly and severally liable would constitute an unconstitutional taking of property in violation of the Constitution of the United States of America.

SEVENTH DEFENSE

15. The preceding defenses are referred to and incorporated as if fully rewritten herein.

16. Defendants reserve the right to plead such other affirmative defenses as may become available to them during the course of discovery.

WHEREFORE, defendants, Clarke Services, Inc., Clarke, Inc. and Richard M. Clarke pray that the Complaint and Crossclaims against them, respectively, be dismissed and that they may go hence without delay. Further, defendants request that they be awarded costs and legal fees in defending the within matter, and any and all other such relief, either in law or in equity, to which they are entitled herein.

A handwritten signature in black ink, appearing to read "Gary F. Franke", is written over a horizontal line.

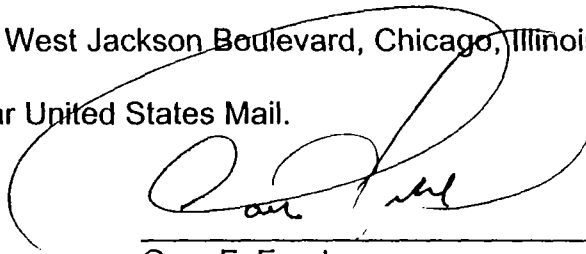
Gary F. Franke

(#0029793)

GARY F. FRANKE CO., L.P.A.
Attorney for Defendant
120 East 4th Street - Suite 560
Cincinnati, Ohio 45202
(513) 564-9222

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Crossclaim of defendant, John J. Whitton Trucking, Inc. has been served upon all counsel of record, including David E. Northrop, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215-6194; Kevin J. Hopper, Southampton Square, 7434 Jager Court, Cincinnati, Ohio 45230; Jonathon Conte, Blank Rose Comisky & McCauley, L.L.P., 201 East Fifth Street - Suite 1700, Cincinnati, Ohio 45202; John C. Cruden, Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice; W. Benjamin Fisherow, Deputy Section Chief, Environment Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, Annette M. Lang, Trial Attorney, Environment Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, P. O. Box 7611 Ben Franklin Station, Washington, DC 20044; Gerald F. Kaminski, 220 U.S.P.O. & Courthouse, 100 East 5th Street, Cincinnati, Ohio 45202; and, Craig Melodia, 77 West Jackson Boulevard, Chicago, Illinois 60604 this 3rd day of October, 2001 by regular United States Mail.



Gary F. Franke
Attorney at Law